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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,586

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Josep Barrios Villa

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EXAMINER

JOHNSON, MATTHEW A

ART UNIT

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3682

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,586	Applicant(s) VILLA ET AL.	
	Examiner MATTHEW JOHNSON	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities:
 - On page 1 line 22, it appears that "Seeger" is a trademark and should be in all capital letters
 - The specification contains several grammatical errors. The examiner requests that Applicant carefully review the entire disclosure

Appropriate correction is required.

Claim Objections

3. Claim 1 is objected to because of the following informalities: the phrase “in a tangentially fashion with respect to the cylindrical surface” is grammatically awkward. Appropriate correction is required.
4. Claim 3 is objected to because of the following informalities: in line 2 the phrase “in axial direction” should read -- in an axial direction --. Appropriate correction is required.
5. Claim 6 is objected to because of the following informalities: in line 3 the phrase “an essentially cylindrically socket” is grammatically awkward. Appropriate correction is required.
6. Claim 11 is objected to because of the following informalities: in line 3 the phrase “in axial direction” should read -- in an axial direction --.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said resilient clips" in 14. There is insufficient antecedent basis for this limitation in the claim. (Note: Applicant should remain

consistent in use of claim terminology) Additionally, in line 16, the phrase "a connection line" is unclear rendering the claim indefinite. What is a connection line?

Re clms 9 and 10: A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 9 recites the broad recitation "Pedal system", and the claim also recites "particularly for automotive engineering" which is the narrower statement of the range/limitation. Claim 10 recites the broad recitation "Pedal brake lever", and the claim also recites "particularly for automotive engineering" which is the narrower statement of the range/limitation.

Re clm 6: Claim 6 recites "A structure comprising a support fixedly latched with a self locking shaft according to claim 1". Claim 6 depends from claim 1 which has

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previously recited "a support" (claim 1 line 3). It is unclear if Applicant is referring to the same support recited in claim 1, or if Applicant intends to claim an additional support.

Re clm 8: Claim 8 recites the limitation "for receiving a clip" in line 2. Claim 8 ultimately depends from claim 1 which has previously recited "a clip" (claim 1 line 4). It is unclear if Applicant is referring to the clip previously recited in claim 1 or if Applicant intends to claim an additional clip.

Re clms 11-13: Claim 11 recites the limitation "a corresponding socket" in line 3 and "until clips" in line 5. It is unclear if Applicant is referring to the socket recited in claim 6 and the clip recited in claim 1 or if Applicant intends to claim an additional socket and clip.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 4-6 and 8-13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillet (USP-4,637,741) in view of Masuda et al. (DE-198 48 289).

Re clm 1: Gillet discloses a self locking shaft comprising:

- A shaft portion (7)
- A head portion (11), a support (5, 6), wherein the head portion comprises a resilient clip (20, 21), which latches with the support (6) during a rotational mounting motion of the shaft with respect to the support (C2 L50-65)
- Wherein the clip is provided as a resilient strap (Figs. 2 & 4), which extends from a portion (19) of the head portion
- Wherein the clip is connected to said portion at one side of the clip only (Fig. 2)
- Wherein said portion of the head portion is a cup-shaped portion having a cylindrical surface which is coaxially aligned with the shaft portion (Figs. 2 & 4)
- Said resilient clip radially extends to the outside in a tangentially fashion with respect to the cylindrical surface of the cup-shaped portion (Fig. 2)
- The clip is connected to the cup-shaped portion at a connection line (19), which is axially oriented with respect to the shaft (Fig. 2)

Gillet does not disclose said cup-shaped portion comprises at least two clips.

Masuda teaches a cup-shaped portion (3) comprising at least two clips (5) for the purpose of increasing the strength of the connection.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Gillet such that the cup-shaped

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portion comprises at least two clips, as taught by Masuda, for the purpose of increasing the strength of the connection.

Re clm 2: Gillet discloses the clip (20, 21) comprises a rectangular shape and an axially curved radial top surface (Fig. 4).

Re clm 4: Gillet discloses the shaft comprises a handle area (12) at the head portion. Regarding the limitation, "for manual assembly of the shaft in the support without tools" the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. (See MPEP 2114)

Re clm 5: The limitation "the shaft and all its components are integrally injection molded" is a product-by-process claim and is not given patentable weight in an apparatus claim (See MPEP 2113). Additionally, it would have been obvious to a person having ordinary skill in the art at the time of the invention to form the parts of a plastic material for the purpose of reducing weight.

Re clm 6: Gillet discloses a structure comprising a support (5, 6) said structure comprising an essentially cylindrical socket (15) which is integrated within the support; and at least one latching window (23), the latching window is radially introduced into the cylindrical wall of the socket (Fig. 4).

Re clm 8: Gillet discloses the socket further comprises at least one axially curved recess (23).

11. Re clms 9 and 10: A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. The prior art structure is capable of performing the intended use and therefore meets the claims.

12. Re clms 11-13: Gillet discloses the method of assembly comprising inserting the shaft (7) in an axial direction into a corresponding socket (15) within the support (5, 6); rotating the shaft around its rotational axis, until clips (20, 21) which extend radially from the shaft, snap into the latching window (23) within the socket, wherein the rotation of the shaft is performed around an angle less or equal to 90 degrees (C2 L50-65, see also Fig. 4).

13. Claims 3 and 7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillet (USP-4,637,741) in view of Masuda et al. (DE-198 48 289) further in view of WO 94/07040.

Re clm 3: Gillet does not disclose the shaft comprises a pin, which is connected to the head portion in an axial direction and which secures the shaft after assembly.

WO 94/07040 teaches a shaft (70) comprising a pin (98) connected to a head portion (95) in an axial direction for the purpose of guiding and supporting the shaft.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the shaft of Rouviere to comprise a pin, which is connected to the head portion in an axial direction and which secures the shaft after

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assembly, as taught by WO 94/07040, for the purpose of guiding and supporting the shaft.

Regarding the limitation, "which secures the shaft after the assembly from undesired rotation" the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. (See MPEP 2114)

Re clm 7: Gillet does not said support comprising a pin guidance, which is provided as a curved elongated hole.

WO 94/07040 teaches a support (97) comprising a pin guidance (96), which is provided as a curved elongated hole (Fig. 34) for the purpose of guiding the rotation of the shaft during assembly.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Gillet in view of Musuda to incorporate a pin guidance, which is provided as a curved elongated hole, as taught by WO 94/07040, for the purpose of guiding the rotation of the shaft during assembly.

14. Claims 1, 2, 4 and 5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rouviere (FR-2 796 012) in view of Masuda et al. (DE-198 48 289).

Re clm 1: Rouviere discloses a self locking shaft comprising:

- A shaft portion (8)

- A head portion (13,14) for mounting of the shaft at a support (4,5), wherein the head portion comprises a resilient clip (25), which latches with the support (5) during a rotational mounting motion of the shaft with respect to the support (5)
- Wherein the clip is provided as a resilient strap, which extends from a portion (near 14) of the head portion
- Wherein the clip is connected to said portion at one side of the clip only (Figs. 1-4)
- Wherein said portion of the head portion is a cup-shaped portion having a cylindrical surface (outside of 14) which is coaxially aligned with the shaft portion
- Said resilient clip radially extends to the outside in a tangentially fashion with respect to the cylindrical surface of the cup-shaped portion
- The clip is connected to the cup-shaped portion at a connection line (any line on outer surface of 14 near clip 25), which is axially oriented with respect to the shaft

Rouviere does not disclose said cup-shaped portion comprises at least two clips.

Masuda teaches a cup-shaped portion (3) comprising at least two clips (5) for the purpose of increasing the strength of the connection.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Rouviere such that the cup-

shaped portion comprises at least two clips, as taught by Masuda, for the purpose of increasing the strength of the connection.

Re clm 2: Rouviere discloses the clip comprises a rectangular shape and an axially curved radial top surface (Fig. 2).

Re clm 4: Reoviere discloses the shaft comprises a handle area (outer surface of 14) at the head portion. Regarding the limitation, "for manual assembly of the shaft in the support without tools" the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. (See MPEP 2114)

Re clm 5: The limitation "the shaft and all its components are integrally injection molded" is a product-by-process claim and is not given patentable weight in an apparatus claim (See MPEP 2113). Additionally, it would have been obvious to a person having ordinary skill in the art at the time of the invention to form the parts of a plastic material for the purpose of reducing weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW JOHNSON whose telephone number is (571)272-7944. The examiner can normally be reached on Monday - Friday 8:30a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. J./
Examiner, Art Unit 3682

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3682